

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAVID PALLIES,

Plaintiff,

v.

THE BOEING COMPANY,  
a Delaware corporation,

Defendant.

Case No.: **2:16-cv-1437**

COMPLAINT AND JURY DEMAND

COMES NOW the Plaintiff, David Pallies, by and through his attorneys, and alleges  
as follows:

I. PARTIES

1.1 Plaintiff is a citizen of the United States. At all times material to this action  
Plaintiff was a permanent resident in Snohomish County, Washington.

1.2 Upon information and belief, Defendant the Boeing Company is a Delaware  
Corporation.

COMPLAINT- 1

BEAN LAW GROUP  
2200 6<sup>TH</sup> Ave, Ste 835  
Seattle, WA 98121  
(206) 522-0618

1           1.3 The Boeing Company's registered agent in Washington is Corporation  
2  
3 Service Company, located at 1010 Union Ave. SE in Olympia, WA 98501.  
4

5  
6                           II. JURISDICTION AND VENUE

7           2.1 All acts and omissions complained of herein occurred in Snohomish County,  
8  
9 Washington.  
10

11           2.2 Plaintiff has acquired a "right to sue" letter from the EEOC. Plaintiff has  
12  
13 timely filed this complaint.  
14

15           2.3 This court has jurisdiction pursuant to 28 U.S.C. §1331. This court also has  
16  
17 jurisdiction pursuant to 28 U.S.C. § 1332(a)(3) as Boeing is a Delaware corporation  
18  
19 headquartered in Illinois. The amount in controversy exceeds \$75,000.00.  
20  
21

22                           III. FACTS AND CIRCUMSTANCES

23  
24 The following factual allegations are not intended to be exhaustive in nature and are written  
25  
26 solely to provide notice to the Defendant of the general nature of Plaintiff's complaint.  
27

28           3.1 Plaintiff was employed by the Defendant from approximately December 3,  
29  
30 2010 until he was medically laid off January 13, 2016.  
31  
32

33           3.2 Plaintiff was originally hired as a "hook tender", operating cranes.  
34

35           3.3 Plaintiff suffers from Hereditary Sensory Neuropathy, Type IA aka "HSN  
36  
37 Type 1A". Plaintiff first began experiencing symptoms in 2012. He was first given the  
38  
39 general diagnosis of Charcot-Marie-Tooth Disease 2013 aka "CMT". Plaintiff was  
40  
41 specifically diagnosed with HSN Type 1A in 2015.  
42  
43

44           3.4 The same day he received his Charcot-Marie-Tooth diagnosis, Plaintiff  
45  
46 informed his management (Steve Lynch and Brandon Cowell) of the diagnosis.  
47

1           3.5 In June 2014, when Plaintiff was still working as a hook tender, a position in  
2 dispatch became available. Plaintiff requested to be transferred into the position because of  
3 his medical condition. At that point in time, he told him that his medical condition was  
4 degenerative and this would be a good position for him to remain employed at Boeing.  
5 Plaintiff started working in dispatch in early July 2014.  
6  
7  
8  
9  
10

11           3.6 After thirty days in the position, Plaintiff met with his managers. He  
12 specifically told them he felt the position was good for him due to his degenerative  
13 condition. Cowell indicated that he wanted to place Plaintiff in the position on a permanent  
14 basis because things were going well.  
15  
16  
17  
18  
19

20           3.7 In approximately October 2014, Plaintiff spoke with his second-level manager,  
21 Kenneth White, about a rumor that Plaintiff had heard that he would be replaced by another  
22 employee who had suffered a heart attack. White told Plaintiff that he was working with  
23 the Disabilities Management Representative regarding that employee. Plaintiff told him  
24 that he needed to stay in the dispatch position because of his medical condition. White told  
25 him not to worry and to keep doing his job, and that he would take care of the situation.  
26  
27  
28  
29  
30  
31  
32

33           3.8 Plaintiff had several discussions with White in October, November and  
34 December 2014 where Plaintiff discussed his medical condition, his move to the dispatcher  
35 position, and Plaintiff's coworker who had suffered the heart attack. In these meetings,  
36 White repeatedly assured Plaintiff that he would take care of Plaintiff and that Plaintiff was  
37 doing an "excellent job" as a dispatcher.  
38  
39  
40  
41  
42  
43

44           3.9 In December 2014, Plaintiff again approached White about his position  
45 because he continued to hear rumors that he would be replaced by the other employee. At  
46  
47  
48 COMPLAINT- 3

BEAN LAW GROUP  
2200 6<sup>TH</sup> Ave, Ste 835  
Seattle, WA 98121  
(206) 522-0618



1 that time, White advised Plaintiff not to request accommodations because that would  
2 jeopardize his ability to return to work as a hook tender. He told Plaintiff that bringing up  
3 his medical condition would be "slitting his own throat".  
4  
5

6  
7 3.10 In approximately January 2015, Plaintiff was removed from the dispatcher  
8 position and he was transferred back to the hook tender position.  
9

10  
11 3.11 In September 2016, Plaintiff's condition deteriorated to the point that he was  
12 medically unable to work as a hook tender.  
13

14  
15 3.12 Plaintiff was medically laid off from Boeing. At no point did Boeing place or  
16 reinstate Plaintiff into a position where he could work.  
17  
18

19  
20 IV. AMERICANS WITH DISABILITIES ACT  
21

22 4.0 Plaintiff realleges and incorporates by reference paragraphs 1.1 – 3.11  
23

24 4.1 Boeing is an employer as defined by 42 U.S.C. §12111(5).  
25

26 4.2 Plaintiff's medical condition, HSNT1a is a disability covered under the ADA.  
27 42 U.S.C. §12102(1).  
28  
29

30 4.3 Defendant discriminated against and failed to accommodate Plaintiff by  
31 moving Plaintiff from the dispatch position back to the hook tender position and by not  
32 placing Plaintiff in a new position within Boeing. 42 U.S.C. §12112(a) and (b).  
33  
34

35 4.4 Defendant failed to engage in the interactive process in good faith.  
36  
37

38  
39 V. WASHINGTON'S LAW AGAINST DISCRIMINATION  
40

41 5.0 Plaintiff realleges and incorporates by references paragraphs 1-III.  
42  
43  
44  
45  
46  
47

5.2 Boeing failed to engage in the interactive process in good faith.

5.3 Boeing failed to accommodate Plaintiff by placing Plaintiff in a position at Boeing after he was medically laid off.

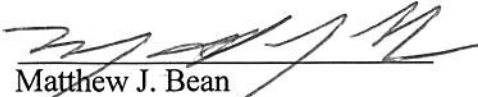
6.1 Plaintiff requests this court to award general and special damages, including damages for emotional distress, back pay, in amounts to be proven at trial, with interest accruing thereon. RCW 49.60.030; 42 U.S.C. §12117, and 42 U.S.C. 2000e et seq.

6.3 Plaintiff seeks punitive damages pursuant to 42 U.S.C. §12117, and 42 U.S.C. §2000e et seq. and 42 U.S.C. §1981(a)(2).

6.5 Plaintiff seeks such further and additional equitable and legal relief as the court deems just and equitable.

1 DATED: this 9<sup>th</sup> day of September, 2016:  
2  
3

4 BEAN LAW GROUP  
5

6  
7   
8 Matthew J. Bean  
9 WSBA No. 23221  
10 Attorney for Plaintiff  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

48 COMPLAINT- 6  
49  
50

BEAN LAW GROUP  
2200 6<sup>TH</sup> Ave, Ste 835  
Seattle, WA 98121  
(206) 522-0618